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Sanjeev Kumar Chandak

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EXAMINER

VAN BRAMER, JOHN W

ART UNIT

PAPER NUMBER

3622

MAIL DATE

DELIVERY MODE

05/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/996,944

Applicant(s)

CHANDAK ET AL.

Examiner

John Van Bramer

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on February 5, 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-11,15-21 and 25-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-11,15-21 and 25-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on February 5, 2007 cancelled no claims. No new claims were added, and Claims 31, 32, 35, and 36 were amended. Thus, the currently pending claims considered below are Claims 1, 5-11, 15-21, and 25-36.

Claim Rejections - 35 USC § 112

2. The amendment file February 5, 2007 has corrected the 35 USC 112 deficiencies of Claim 31-36. Therefore, the Examiner hereby withdraws the rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 7-11, 17-21, and 27-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al (U.S. Patent Number: 6,018,718).

Claims 1 and 7: Walker discloses a method for managing a financial account for a consumer, comprising:

- a. Providing the financial account to the consumer. (Col 3, lines 16-25; Col 4 lines 18-27; Col 6 lines 15-29; and Col 7 line 61 – Col 8 line 60)
- b. Providing a reward incentive parameter that indicates a predetermined amount of reward points to associate with the financial account based on a predetermined payment amount to the financial account. (Col 3, lines 16-25; Col 4 lines 18-27; Col 6 lines 15-29; and Col 7 line 61 – Col 8 line 60)
- c. Receiving a payment for a particular amount to the financial account. (Col 6 lines 48-56)
- d. Determining an amount of reward points to associate with the financial account based on the reward incentive parameter and the received payment amount. (Col 6, lines 15-29 and Col 6 lines 37-47, and Col 7, lines 61-67 and Col 11, lines 32-44)
- e. Associating the determined amount of reward points with the financial account, wherein determining the amount of reward points includes reducing the amount of reward points based on a determination that at least one of the received payment amount is below a minimum payment amount or the received payment was received after a payment due date, and wherein the determined amount of reward points can be used to receive a consumer good. (Col 6, lines 15-29 and Col 6 lines 37-47, Col 10, lines 3-13, and Col 11, lines 1-12)

Claim 8: Walker discloses the method of claim 7, wherein the reward distribution parameter is based on a financial risk associated with a customer corresponding to the financial account. (Col 7 lines 13-50)

Claim 9: Walker discloses the method of claim 8, wherein the reward distribution parameter is adjusted based on a change in the financial risk associated with the customer. (Col 8, lines 51-60)

Claim 10: Walker discloses the method of claim 1, further comprising: determining whether a customer corresponding to the financial account is eligible for one or more consumer goods based on the determined amount of reward points associated with the financial account; and providing an indication to the customer reflecting a result of the determining whether the customer is eligible for one or more consumer goods. (Col 9, lines 36-55)

Claim 11: Walker discloses a system for managing a financial account for a consumer, comprising:

- a. Means for providing the financial account to the consumer. (Col 3, lines 16-25; Col 4 lines 18-27; Col 6 lines 15-29; and Col 7 line 61 – Col 8 line 60)
- b. Means for providing a reward incentive parameter for the financial account that indicates a predetermined amount of reward points to associate with the financial account based on a predetermined payment amount to the financial account.

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(Col 3, lines 16-25; Col 4 lines 18-27; Col 6 lines 15-29; and Col 7 line 61 – Col 8 line 60)

- c. Means for receiving a payment for a particular amount to the financial account.

(Col 6 lines 48-56)

- d. Means for determining an amount of reward points to associate with the financial account based on the reward incentive parameter and the received payment amount. (Col 6, lines 15-29 and Col 6 lines 37-47, and Col 7, lines 61-67 and Col 11, lines 32-44)

- e. Means for associated the determined amount of reward points with the financial account, wherein the means for determining the amount of reward points includes means for reducing the determined amount of reward points based on a determination that at least one of the received payment amount is below a minimum payment amount or the received payment was received after a payment due date, and, wherein the determined amount of reward points can be used to receive a consumer good. (Col 6, lines 15-29 and Col 6 lines 37-47, Col 10, lines 3-13, and Col 11, lines 1-12)

Claim 17: Walker discloses the system of claim 11, wherein the means for determining an amount of reward points further comprises: means for determining the amount of reward points to associate with the financial account based on the amount of the received payment and a reward distribution parameter. (Col 7, lines 61-67 and Col 11, lines 32-44)

Claim 18: Walker discloses the system of claim 17, wherein the reward distribution parameter is based on a financial risk associated with a customer corresponding to the financial account. (Col 7 lines 13-50)

Claim 19: Walker discloses the system of claim 18, wherein the reward distribution parameter is adjusted based on a change in the financial risk associated with the customer. (Col 8, lines 51-60)

Claim 20: Walker discloses the system of claim 11, further comprising: means for determining whether a customer corresponding to the financial account is eligible for one or more consumer goods based on the determined amount of reward points associated with the financial account; and means for providing an indication to the customer reflecting a result of the determining whether the customer is eligible for one or more consumer goods. (Col 9, lines 36-55)

Claim 21: Walker discloses a computer-readable medium including instructions for performing a method, when executed by a processor, for managing a financial account for a consumer, the method comprising:

- a. Providing the financial account to the consumer. (Col 3, lines 16-25; Col 4 lines 18-27; Col 6 lines 15-29; and Col 7 line 61 – Col 8 line 60)

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- b. Providing a reward incentive parameter for the financial account that indicates a predetermined amount of reward points to associate with the financial account based on a predetermined payment amount to the financial account. (Col 3, lines 16-25; Col 4 lines 18-27; Col 6 lines 15-29; and Col 7 line 61 – Col 8 line 60)
- c. Receiving a payment for a particular amount to the financial account. (Col 6 lines 48-56)
- d. Determining an amount of reward points to associate with the financial account based on the reward incentive parameter and the received payment amount. (Col 6, lines 15-29 and Col 6 lines 37-47, and Col 7, lines 61-67 and Col 11, lines 32-44)
- e. Associating the determined amount of reward points with the financial account, wherein determining the amount of reward points includes reducing the determined amount of reward points based on a determination that at least one of the received payment amount is below a minimum payment amount or the received payment was received after a payment due date, and wherein the determined amount of reward points can be used to receive a consumer good. (Col 6, lines 15-29 and Col 6 lines 37-47, Col 10, lines 3-13, and Col 11, lines 1-12)

Claim 27: Walker discloses the computer-readable medium of claim 21, wherein determining an amount of reward points further comprises: determining the amount of reward points to associate with the financial account based on the amount of the

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received payment and a reward distribution parameter. (Col 7, lines 61-67 and Col 11, lines 32-44)

Claim 28: Walker discloses the computer-readable medium of claim 27, wherein the reward distribution parameter is based on a financial risk associated with a customer corresponding to the financial account. (Col 7 lines 13-50)

Claim 29: Walker discloses the computer-readable medium of claim 28, wherein the reward distribution parameter is adjusted based on a change in the financial risk associated with the customer. (Col 8, lines 51-60)

Claim 30: Walker discloses the computer-readable medium of claim 21, the method further comprising: determining whether a customer corresponding to the financial account is eligible for one or more consumer goods based on the determined amount of reward points associated with the financial account; and providing an indication to the customer reflecting a result of the determining whether the customer is eligible for one or more consumer goods. (Col 9, lines 36-55)

Claims 31, and 32: Walker discloses a method for managing a financial account for a consumer, comprising:

- a. Providing the financial account to the consumer. (Col 3, lines 16-25; Col 4 lines 18-27; Col 6 lines 15-29; and Col 7 line 61 – Col 8 line 60)

- b. Providing a reward incentive parameter for the financial account that indicates a first amount of reward points to associate with the financial account based on a predetermined payment activity associated with the financial account. (Col 3, lines 16-25; Col 4 lines 18-27; Col 6 lines 15-29; Col 7, lines 19-24 and Col 7 line 61 – Col 8 line 60) (Walker discloses a reward incentive in which a targeted monthly principle payment is made as well as the use of behavior criteria such as extent of monthly payment and promptness of payment for determining performance targets)
- c. Receiving a payment for a particular amount to the financial account. (Col 6 lines 48-56; Col 7, lines 19-24 and Col 7 line 61 – Col 8 line 60)
- d. Determining a second amount of reward points to associate with the financial account based on the reward incentive parameter and the received payment amount. (Fig. 7; Col 4, lines 40-65; Col 6, lines 15-29 and Col 6 lines 37-47; Col 7, lines 19-24; and Col 7, lines 61-67 and Col 11, lines 32-44) (Walker discloses the determination of a second performance target and that performance targets are determined using behavior criteria such as extent of monthly payment and promptness of payment. The Walker disclosure indicates that reward targets are determined for at least each quarter based upon performance targets.)
- e. Determining a third amount of reward points based on at least one of the amount of the received payment or the date of the received payment and adjusting a first amount of award points by a predetermined ratio of the performance target. (Col 6, lines 15-29 and Col 6 lines 37-47, and Col 7, lines 61-67 and Col 11, lines 1-

- 44) (Walker discloses determining an amount of reward points based upon an adjustment to a previously determined award amount for a given quarter in order to allow a customer to receive an award.)
- f. Modifying the second amount of reward points based on the third amount of reward points. (Col 6, lines 15-29 and Col 6 lines 37-47, and Col 7, lines 61-67 and Col 11, lines 1-44) (Walker discloses reducing the amount of a reward in order to allow the customer to reach the designated award level. This adjustment is made based upon the previously established reward parameter. Therefore the disclosure reveals that the established performance target determined for the first quarter, the second quarter, the third quarter and the fourth quarter are modifiable in this manner. This modification is discloses as being implemented both for exceeding the performance target and failing to meet the performance target. Additionally, Walker discloses the use of behavior criteria such as extent of monthly payment and promptness of payment for determining performance targets)
- e. Associating the second amount of reward points with the financial account, wherein the second amount of reward points can be used to receive a consumer good. (Col 6, lines 15-29 and Col 6 lines 37-47, Col 10, lines 3-13, and Col 11, lines 1-12)

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-6, 15-16, 25-26 and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (U.S. Patent Number: 6,018,718).

Claim 5: Walker discloses the method of claim 1, wherein determining an amount of reward points further comprises: increasing the amount of reward points based on a determination that the customer has exceeded their designated performance value (Col 11, lines 11-32), but does not explicitly state that the performance value is based upon a minimum payment amount. Walker does however indicate that the extent of monthly payments is a valid criteria for performance rewards (Col 7, lines 61-67 and Col 8, lines 51 – 60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to create a targeted reward system in which a minimum payment amount was the criteria on which performance was evaluated. One would have been motivated to use a minimum payment amount as the targeted performance criteria in order to provide those customers with large balances an incentive to reduce their outstanding debt and therefore reduce the companies risk exposure.

Claim 6: Walker discloses the method of claim 1, wherein determining an amount of reward points further comprises: increasing the amount of reward points based on a determination that the customer has exceeded their designated performance value ((Col 11, lines 11-32), but does not explicitly state that the performance value is based upon a payment due date. Walker does however indicate that the payment due date is a valid criteria for performance rewards. (Col 7, lines 61-67 and Col 8, lines 51 – 60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to create a targeted reward system in which payment due date was the criteria on which performance was evaluated. One would have been motivated to use payment due date as the targeted performance criteria in order to create an environment in which corporate cash flow and working capital could be accurately predicted.

Claim 15: Walker discloses the system of claim 11, wherein the means for determining an amount of reward points further comprises: increasing the amount of reward points based on a determination that the customer has exceeded their designated performance value (Col 11, lines 11-32), but does not explicitly state that the performance value is based upon a minimum payment amount. Walker does however indicate that the extent of monthly payments is a valid criteria for performance rewards (Col 7, lines 61-67 and Col 8, lines 51 – 60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to create a targeted reward system in which a minimum payment amount

was the criteria on which performance was evaluated. One would have been motivated to use a minimum payment amount as the targeted performance criteria in order to provide those customers with large balances an incentive to reduce their outstanding debt and therefore reduce the companies risk exposure.

Claim 16: Walker discloses the system of claim 11, wherein the means for determining an amount of reward points further comprises: increasing the amount of reward points based on a determination that the customer has exceeded their designated performance value ((Col 11, lines 11-32), but does not explicitly state that the performance value is based upon the payment due date. Walker does however indicate that the payment due date is a valid criteria for performance rewards. (Col 7, lines 61-67 and Col 8, lines 51 – 60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to create a targeted reward system in which payment due date was the criteria on which performance was evaluated. One would have been motivated to use payment due date as the targeted performance criteria in order to create an environment in which corporate cash flow and working capital could be accurately predicted.

Claim 25: Walker discloses the computer-readable medium of claim 21, wherein determining an amount of reward points further comprises: increasing the amount of reward points based on a determination that the customer has exceeded their designated performance value (Col 11, lines 11-32), but does not explicitly state that

the performance value is based upon a minimum payment amount. Walker does however indicate that the extent of monthly payments is a valid criteria for performance rewards (Col 7, lines 61-67 and Col 8, lines 51 – 60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to create a targeted reward system in which a minimum payment amount was the criteria on which performance was evaluated. One would have been motivated to use a minimum payment amount as the targeted performance criteria in order to provide those customers with large balances an incentive to reduce their outstanding debt and therefore reduce the companies risk exposure.

Claim 26: Walker discloses the computer-readable medium of claim 21, wherein determining an amount of reward points further comprises: increasing the amount of reward points based on a determination that the customer has exceeded their designated performance value ((Col 11, lines 11-32), but does not explicitly state that the performance value is based upon the payment due date. Walker does however indicate that the payment due date is a valid criteria for performance rewards. (Col 7, lines 61-67 and Col 8, lines 51 – 60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to create a targeted reward system in which payment due date was the criteria on which performance was evaluated. One would have been motivated to use payment due date as the targeted performance criteria in order to create an environment in which corporate cash flow and working capital could be accurately predicted.

Claims 33, and 34: Walker discloses the method of claim 31, but does not explicitly indicate that the performance value for the first, second or third amount are based upon the payment due date or the minimum payment amount. Walker does however indicate that the payment due date and extent of monthly payment are valid criteria for performance rewards (Col 7, lines 19-24; Col 7, lines 61-67, and Col 8, lines 51-60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to create a targeted reward system in which payment due date or minimum payment amount was the criteria on which performance was evaluated. One would have been motivated to use payment due date or minimum payment amount as the targeted performance criteria in order to create an environment in which corporate cash flow and working capital could be more accurately predicted.

Claims 35 and 36: Walker discloses the method of claims 33 and 34, wherein modifying the second amount of reward points based on the third amount of reward points further comprises:

a. If the customer exceeds the targeted performance for the financial account, adding the third amount of reward points to the second amount of reward points.

(Col 11, lines 1-44)

b. If the customer does not meet the targeted performance, subtracting the third amount of reward points to the second amount of reward points. (Col 11, lines 1-44)

While Walker not explicitly indicate that the performance value for the first, second or third amount are based upon the payment due date or the minimum payment amount. Walker does however indicate that the payment due date and extent of monthly payment are valid criteria for performance rewards (Col 7, lines 19-24; Col 7, lines 61-67, and Col 8, lines 51-60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to create a targeted reward system in which payment due date or minimum payment amount was the criteria on which performance was evaluated. One would have been motivated to use payment due date or minimum payment amount as the targeted performance criteria in order to create an environment in which corporate cash flow and working capital could be more accurately predicted.

Response to Arguments

7. Applicant's arguments filed February 5, 2007 have been fully considered but they are not persuasive.
 - a. The applicant argues that the examiners interpretation of Walker 's teaching regarding "determining the amount of reward points includes reducing the amount of reward points based on a determination that at least one of the received payment amount is below a minimum payment amount or the received payment was received after a payment due date" is not correct. The examiner has reviewed Walkers teaching in light of the applicant's arguments and stands

by his original interpretation. The Walker reference teaches reducing the performance target to 90% of the original target.

- b. The applicant argues that the examiners statement that "Should the consumer not achieve the performance value Walker teaches that the reward amount can be reduced if a lower target such as 90% of the performance value is achieved (See cited sections listed in Claims 1, 11, and 21 above, as well as Col 4, lines 20-23, Col 7, lines 19-25, and Col 7, lines 63-67)" in the previous office action appears to be a misstatement of the Walker teachings. The examiner has reviewed the cited sections and the applicants' arguments and stands by the original statement as an accurate depiction of the Walker teachings.

Accordingly, the Walker reference does teach reducing the amount of reward points. The applicants' reasoning is based upon the disclosed embodiment in Figure 7, but ignores the embodiment in Figure 8.

- c. The applicants' arguments directed to independent claim 31 and its dependent claims are moot since the independent claim has been amended. The amended claims have been addressed in the Office Action above.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is

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(571) 272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


jvb.



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